

VILLAGE OF HOLLY

VILLAGE COUNCIL MEETING

October 11, 2016

The regularly scheduled meeting of the Village Council of the Village of Holly was called to order by President Bladzik at 7:00 PM in the Village of Holly Council Chambers located at 300 East Street, Holly, Michigan.

Council Member Present

Ryan Bladzik
Bob Allsop
Dave Cruickshank
Suzanne L. Heiple
Robert Kleven
Debra Musgrave
Chris Rankin

Staff Present

Jerry L. Walker
Cathrene A. Behrens
Andrew Potter
Brian Klaassen
Mike Story

Others Present

President Bladzik called the meeting to order at 7:00 PM.

Village Clerk/Treasurer Behrens called the roll.

CONSENT AGENDA

- #1. Agenda Approval
- #2. Consideration of the Approval of the Council Meeting Minutes of September 27, 2016.
- #3. Consideration of the Approval of Warrant 2016-19 in the amount of \$131,158.14.
- #4. Consideration of excusing the Village Attorney from tonight's meeting.
- #5. Consideration of the acceptance of the letter of resignation from DDA Director Andrew Potter.
- #6. Business Registration

- a. Boomtown – 102 W. Maple Street

CHANGES TO AGENDA

President Bladzik advised that before them is a memorandum and amortization schedule which is in relation to New Business Item #4, if approved, to approve the amortization schedule for the loan between the Water Fund and the General Fund.

CM 2016-0106 Motion by Rankin, second by Musgrave to approve the consent agenda as amended.

Motion carried by a voice vote of all ayes and no nays.

PUBLIC COMMENT

John Lauve, 200 N. Saginaw stated there are a lot more important issues facing the community than nondiscrimination of public restrooms. There is another regional rip-off tax deal for the transit system. We are already paying property taxes for Smart and now they are bringing in a mismanaged bus route. They want to run a bus directly from the airport to Downtown Detroit. This system is so mismanaged and to give them more money for a mismanaged system and to place this on the ballot is sheer arrogance. The Council should take some kind of position on this; we already have a system in place that will take people to dialysis or a doctor's appointment. They want to run a train down to Ann Arbor and they also want to rip up all the streets and put the buses down the medians. He also asked why the water fund was going to pay for an ambulance. These are outrageous acts taking place under their eyes.

Patrick Feeney, 210 Franklin Street, stated that we probably need to purchase the ambulance; not with the water fund. How, when you were actually told by the auditors not to do something can you do this? At the budget meeting the Village Manager explained that you are going to pay the same amount of interest back to the water fund that we would have paid to a financial institution. Why not just take it from the general fund. You have people who use the water fund who can't vote and they have a duty to represent them as well because they don't have a talk. The Council is going to take sound legal advice from the audit company and disregard it. The only advantage to taking a loan from the water fund would be in the event that it was decided that the loan would not be paid back. He stated it is completely inappropriate

Phillip Martin, 4165 Belford Road, stated that he wants to make a comment about the ordinance and gets the sense that the Council takes a lot of heat. He believes this ordinance is unwise and bad for the Village. The Washington Post ran an article on a law that was passed in Massachusetts that is currently in court regarding this law and churches. He urges the Council to watch the news. There additional was a story of a man from Toronto who was staying in two different homeless shelters who molested two women because he stated that he was transgender and needed to stay with the women. He realizes that the Village is not in favor of anything like that but this is someone who took advantage of the law and took advantage of people who need our greatest protection.

Richard Rossell, 512 E. Maple Street, stated he also wanted to address the ordinance. He stated when he was 18 years old he went to war to protect the constitution and he thinks that the constitution should provide for these protections here. He thinks that the ordinance is a bad law.

Tigg VanAmm, 12666 Falk Road stated he doesn't know that it is really protecting everyone involved and he made the point that the ordinance protects the rights of those who perceives themselves to be transgender or homosexual, whatever their preference and at the same time protecting a church or a sports team. You are trying to protect two people who are in conflict with one another; who does the ordinance protect; there is a natural inherent conflict in this. A boy is a boy and a girl is a girl but in our society everybody is protected. In our society, everybody is protected and everybody is right; if everybody is right and no one is wrong then there are no

laws, there is no need for law enforcement. It seems like if you are trying to protect everybody and it is an absolute impossibility. Who are you going to protect? The boy who says he is a girl and can't play on the girl's team? He thinks this is unnecessary and that we are going down a road that we don't want to go down. He appreciates the service that the Council does but he thinks this is dangerous and is not in favor of the law.

Joe Hutchins, 419 Thomas Street, stated that it cost money for this ordinance for Holly. This is becoming the biggest controversial thing we have seen in a long time, abortion and everything else. The Feds are going to handing down decisions in a very short time. Should we spend the money to put this ordinance on the books and once the Federal law starts to trickle down our ordinance will mean nothing. Save our money and let the Feds hand down the decision.

OLD BUSINESS

#1. Consideration of proposed Ordinance #443 Non-Discrimination in the Village of Holly.

(Motion from Council Meeting July 26, 2016)

CM 2016-078 Motion by Bladzik, second by Heiple to adopt Ordinance #443 to adopt a Non-Discrimination Ordinance in Public Facilities in the Village of Holly.

Cal Steele, 203 Grant Street, stated we have talked about religious issues and moral issues but we also need to talk about criminals. They are opportunists who would enter a bathroom and possibly do harm. Is this ordinance going to make Holly more attractive to people who

move here and want to bring their children here? He has a 12-year old grandson who is petrified to use the restroom with girls. He does not think this is a wise move to make; if we do this, who is going to enforce that, our police department? There is a lot more to consider than the ordinance, we have to look at the big picture.

President Bladzik stated he was going to make a couple comments and open it up to discussion. One can look at any website and find any sensational story on this topic. When we talk about protections under the constitution but right now in many communities that haven't adopted an ordinance like this, if you are discovered to be a homosexual while in a job you can be fired from that job. There are no protections in place under current Michigan law or the Federal Civil Rights laws. Whether you agree or disagree on same sex marriage, a same sex couple could go and attempt to rent a home and be denied based upon their sexual orientation. This is a little harder to prove discrimination here because there is no recourse, those are what the issues are. The way this ordinance was modeled was off of the City of Portage. This has an intermediary step instead of going directly to fines and penalties a situation where discrimination is perceived it can be brought to the Village's attention for remediation. It can be brought to the Village Manager and if that does not rectify the problem then it goes to the enforcement. He looks at this as our society being split on this and viewpoints are changing; this is simply about providing justice. He appreciates the clergy who have attended and expressed their concerns on this but we are expressing our thoughts regarding 6,300 residents. Is the community as a whole

ambivalent or do they just don't know either. We have talked about this with the road diet and we can talk about this for any item on the agenda.

Council Member Allsop stated a lot of people are afraid to come to the council meeting. We have a few weeks before we are all gone and he doesn't know why we have to even deal with this and doesn't know how we are benefiting anyone from passing this.

Council Member Musgrave stated she is a bit concerned because of Mr. Gilder's statement of putting something into place that is not clear whose rights are covered and promising things that are unknown. She has great concern with that and does not know whether it wise to go against the attorney's advice.

Council Member Cruickshank stated the following *"Property rights are one of the fundamental pillars of liberty and freedom. It is one of the reasons I even got involved with local politics in the first place. I can certainly see where one would want to pass a law such as this. There are instances of bigotry, and the mistreating of individuals who may appear different than others. The urge to want to use government to protect those who are being ridiculed for being different is the natural default. This is a false belief that; number one – government always has the answer, and number two - We can legislate morality. If that we're the case, the war on drugs would have been a homerun, and no one would have ever been murdered since Cain killed Abel. What we have in society is a morality issue, this will not be taken care of by this ordinance. The only way this could be resolved is culture*

change, and market forces. I in no way want a bigoted business owner in our community, I would despise an apartment owner who would not rent or kick out a n individual who may identify as something other as straight. It would disgust me that there would be an employer in the Village that would fire someone simply because they're gay. If that were the case today, I would like to know about it so we can spread the word to others and "let the market shut them down". That is the real way we send the message to those who harbor hate, their pocketbook. Yet, we live in a country that has a few things that are considered pillars of freedom. Amongst those, are property rights. Even though I may disagree with another individual's morals, what they do, on their property is none of my business as long as it doesn't harm the rights of others. If this ordinance is passed, we have removed property rights to business owners that have invested their own money and time in the community. I have been messaged by multiple business owners from a wide political spectrum. They have all voiced an opposition against this ordinance. Our own Village attorney has advised against it. I do not feel like this moves the ball forward for the human race and actually removes a fundamental right setup by our founders. All harassment of individuals is protected under the Civil Rights Act, and all criminal action against them is protected by our current laws and the 14th amendment."

Council Member Heiple stated that based upon our Village Attorney who advised that if we not adopt this ordinance and nothing gets done we would still be prohibited against

discriminating against a person's constitutional rights. It is not necessary to adopt something in writing which specifically states that.

Council Member Kleven stated that every ordinance we have on the books costs the Village money to codify and we don't enforce half of the ordinances on the books. No one is going to enforce this. He'll say no.

Roll call vote was as follows:

Voting for: Bladzik
Voting against: Allsop, Cruickshank, Heiple, Kleven, Musgrave, Rankin
Absent: None
Motion failed.

NEW BUSINESS

#1. Consideration of Cyclone Park being re-purposed into a dog park for public use.

Council Member Rankin stated that the Parks Commission was approached last month by Rick Powers and Terry Baker about the re-purposing of Cyclone Park into a dog park inside the Village. The Parks Commission thought this was a great idea and they have created a committee to create and organize the project which will consist of Rick Powers, Terry Baker, himself, Village Manager Walker, Clerk/Treasurer Behrens and Sally Crider to put together the final details. Rick Powers has prepared a timeline for the construction and budget for the park. They have a committee meeting scheduled for next Wednesday where they are going to go over the plan.

Rick Powers stated that they are looking to have this open by Memorial Day 2017. They are looking at potentially renaming the park the Canine Memorial Park. They are looking to add a 20' by 30' pavilion. They are looking at raising all funds privately. There may be some potential for grant funds that may be available.

Andrea Silvas, 203 Grant asked if the local residents were going to be asked their feelings on the dog park.

Rick Powers stated that two of the committee members live in that area and he has been talking to everyone that he could about the project and he is very open to discussion.

Council Member Rankin stated that he personally plans on surveying the neighbors and plans on coming up with some door hangers and getting out there and talking about.

Angie Lemon, 116 College, asked if there was a privacy fence being considered for the dog park. She is concerned because when her dogs are outside and they see other dogs in the area they react and bark which creates noise and she would like to see a privacy fence placed in there.

Rick Powers stated that at the present time there is no plan for a privacy fence because they have a great deal of money to raise but that may be a consideration for the future.

Council Member Musgrave asked if that land, at any time was donated to the Village.

Council Member Rankin stated that it is his understanding that it was donated with the

specific stipulation that the property remain a public park.

CM 2016-0107 Motion by Rankin, second by Cruickshank to approve Cyclone Park for the Canine Memorial Dog Park pending approval of the final plans by Village Council.

Motion carried by a voice vote of all ayes and no nays.

CM 2016-0108 Motion by Bladzik, second by Rankin to commit a sum of \$10,000 as a matching grant pending the raising of \$10,000 of individual contributions to the dog park and pending final plan approval.

John Lauve, 200 N. Saginaw stated he didn't realize we were talking about \$10,000 and thinks the \$10,000 should be spent down there where the Water Works building is at the entrance to the Village. You could also spend some money down there on flowers where all those signs are that you put up on the bike lanes.

Cal Steele, 203 Grant Street, stated he doesn't disagree with financial support, but \$10,000? How far would \$10,000 go to our police department, our fire department or our DPW, our infrastructure? People live here and they may want to use that park but by God we have services that run this Village that would beg for these funds. \$10,000 is absolutely ridiculous.

President Bladzik stated that these funds would not come out of existing departmental funds this would come out of the general fund balance.

Rick Powers stated he does not believe they will have any problem raising the \$60,000 and stated that it could be used as a backstop for the project. He appreciates the \$10,000 but he believes that this is a Village project and it is something that should be created by the Village.

Council Member Allsop stated that he thinks we should have a master plan for this park prior to voting on the money issue.

Council Member Cruickshank stated that he played ball at Cyclone Park for many years and they had to cancel games due to the lighting problems that we have had at the park. He stated that they were told that to replace the lights it was between \$40,000 to \$50,000 to correct there and nothing was ever done. He is not comfortable with voting on this issue tonight without doing some more research.

Roll call vote was as follows:

Voting for: Heiple, Musgrave, Rankin, Bladzik

Voting against: Kleven, Allsop, Cruickshank

Absent: None

Motion carried.

#2. Consideration of the 2015 CDBG contract between the Village of Holly and Holly Township for Transportation Services.

Clerk/Treasurer Behrens stated that she was approached by Holly Township Clerk Karin Winchester regarding some additional program year 2015 CDBG funds that they

graciously allocated to senior transportation services in the amount of \$4,478. She is requesting that council authorize the contract between the Village of Holly and Holly Township and authorize the Village President to execute the agreement. These funds are over and above the budgeted amount for fiscal year 2016-2017 but with the increased demand on our transportation system, the funding will be very beneficial to Holly Area residents who utilize this service.

CM 2016-0109 Motion by Rankin, second by Cruickshank to authorize the contract between the Village of Holly and Holly Township for Senior Transportation in the amount of \$4,478 and authorize the Village President to execute the contract.

Motion carried by a voice vote of all eyes and no nays.

#3. Consideration of Ordinance #446, an ordinance to provide for and regulate the protection of groundwater resources in the Village of Holly.

CM 2016-0110 Motion by Cruickshank, second by Musgrave to consider the adoption of Ordinance #446 to provide for and regulate the protection of groundwater resources in the Village of Holly.

Motion by Musgrave to waive the reading.

DPW Director Klaassen stated the Village of Holly has a wellhead protection program and has for over 10 years. Our protection program receives approximately \$5,000 annually through grant funds and the ordinance is

required as one of the stipulations of the grant. For some reason the ordinance was never adopted when former Building Official Jeff Wren was in charge of the program and we taking care of this situation now.

President Bladzick asked if the only reason we needed this ordinance was because of the grant.

Director Klaassen stated that was partially true but if we find a situation has occurred regarding groundwater contamination, this ordinance will give the Village “more teeth” to prosecute the offender if they are identified.

Roll call vote was as follows:

Voting for: Kleven, Musgrave, Rankin, Allsop, Cruickshank, Heiple, Bladzick

Voting against: None

Absent: None

Motion carried.

#4. Consideration of the purchase of a 2016 Chevrolet Metro Express Ambulance and authorization of the funding to be loaned from the water fund balance.

Manager Walker stated that this issue was discussed during the 2016-2017 budget discussion and was approved as part of the budget adoption process. It was estimated that the replacement cost of the unit would be \$100,000. The current ambulance is over 15 years old and has over 150,000 miles on it and additional idle time mileage on the engine. The water fund balance was identified as an option for the purchase of this in lieu of commercial financing because the funds are available in the water fund. Staff has attached the quote from The State Bank who would

loan us these monies at a rate of 2.25% and utilizing that same amortization schedule the water fund would receive interest in the amount of \$7,201 over the life of the loan. Clerk/Treasurer Behrens was working with the Village auditors today in preparing the Village ledgers for this loan.

President Bladzick stated that it is permissible under Michigan Law for funds to loan money to other funds within a municipality with the caveat that the funds are paid at a fair interest rate. We are financing this and keeping the interest "in-house" so that the earning will go back into the water fund instead of to a private financial institution. This is considered a full loan execution as opposed to just a transfer.

Council Member Kleven stated that we obviously have a lot of money in the water fund so maybe we are charging too much in the water fund. He would like to see us take the debt service charge on the water debt and reduce it by \$2.00 per month.

President Bladzick asked Clerk/Treasurer Behrens could address this question.

Clerk/Treasurer Behrens stated that she was not prepared to address the issue of the debt service charges from memory but stated that the current debt service collected was covering the debt service charges but she does not believe that we are over collecting.

Council Member Kleven stated that on the last audit he stated the general fund balance was \$1.2 million dollars and wanted to know where those funds went.

Clerk/Treasurer Behrens stated that the general fund balance was at \$1.2 million

dollars with approximately \$600,000 in the unassigned fund balance. She stated that during the budget process \$90,000 was appropriated from the fund balance to balance the general fund budget, an additional \$45,000 was allocated to the Communications Director salary and tonight another \$10,000 was appropriated to Cyclone Park for the dog park so we are slowly working that number down in the general fund.

CM 2016-011 Motion by Allsop, second by Musgrave to approve the purchase of the proposed ambulance and approve the attached amortization schedule.

Roll call was as follows:

Voting for: Musgrave, Rankin, Allsop, Cruickshank, Heiple, Bladzick

Voting against: Kleven

Absent: None

Motion carried.

Village Manager

Nothing to Report.

Council Member Cruickshank asked about the status of the Communications Director position.

Manager Walker stated that a list of the top six candidates was established by the four members of the review committee and interviews will be scheduled as soon as possible.

Village Attorney

Excused Absent

Village Clerk/Treasurer

Nothing to Report

BOARDS AND COMMISSIONS

President Bladzick stated that everyone saw the letter of resignation from Mr. Potter moving on to bigger and better things and congratulated Mr. Potter thanking him for his service to the Village. Ladies Night Out is coming up and asked Andy Potter to give an update on that.

Andy Potter stated that the DDA’s new committee Member Janice Seeley has been put in charge of the Ladies Night Out event and this is a very busy time for Ladies Night Out and he will do everything to be there that night. October 29th is Holly-Ween and The River Church has really jumped in and is getting the event geared up. There will be pony rides and blow up houses and it will all be taking place downtown.

President Bladzick stated that the Holly Community Fund made a \$1,000 donation towards the purchase of holiday decorations. DDA Board Member Kirk Heath brought up the fact that we have people traveling up and down Grange Hall Road and there is nothing to draw them to the historic downtown while the Dicken’s Festival is taking place and other activities, which was a great point.

COUNCIL COMMENTS

Council Member Allsop stated he wanted to thank the Chief of Police, Brian Klaassen, Jerry and Andy and stated the Halloween Show was a huge success. They had over 500

cars and went through 55 gallons of cider and over 1,100 doughnuts.

Council Member Heiple stated she wanted to thank Mr. Potter for his service and will truly miss him as a friend and co-worker.

Council Member Cruickshank thanked Andy Potter and advised him not to be a stranger.

PUBLIC COMMENT

Angie Lemon, 116 College Street, stated she thinks the dog park is a great idea but is concerned about the location because it is surrounded by homes. She really likes the idea; they kind of persuaded her with some great ideas of how the park could be utilized. They have asked her to go around to other dog parks and to talk to people and everyone she talks too is kind of freaking out about it. She really wishes that a survey would have been done first prior to this moving forward just to get an idea of what people around are looking for. The reason they wanted to park there is because they think a lot more people are going to walk there. If someone is across on the other side where she lives, it echoes, you can hear people speaking if they are at a camp fire type situation; that is why she asked about a privacy fence. She thinks it is great about private donations.

Council Member Rankin stated the approval had to be received from the council prior to moving on the topic. Secondly we did some surveys on the parks and received feedback from over 50% of the surveys for a dog park.

Joe Hutchins, 419 Thomas Street, stated he had one question about the ambulance and asked how many miles were on the old one.

Manager Walker stated that the mileage is at \$105,000 and the average life span of this type of vehicle is between five to seven years old. Our vehicle has been able to hold up so well due to the care and maintenance that it receives as well as due to the strong support the Village receives from Groveland Township. Certainly if Chief McGee believed the ambulance could have remained viable for several more years he would have made it happen but we are at the point where the purchase is needed.

DPW Director Brian Klaassen stated the DPW is having an open house this Thursday from 11:00 – 2:00 to show off the new building that was constructed over the past year. There will be hotdogs and hamburgers for those who attend and encouraged all to attend to see the completed project.

#5. Consideration of entering in Executive Session to discuss Union Negotiations.

#6. Consideration of entering in Executive Session to discuss Real Estate.

President Bladzick stated that under the State of Michigan Open Meetings Act municipal bodies may enter into Executive Session to discuss union negotiations or other topics that contain sensitive information.

CM 2016-0112 Motion by Musgrave, second by Rankin to enter into Executive Session authorizing DPW Director Klaassen and Chief Story to attend the session for union negotiations and authorizing Andrew Potter to attend the session regarding real estate.

Roll call vote was as follows:

Voting for: Heiple, Kleven, Musgrave, Rankin, Allsop, Cruickshank, Bladzick

Voting against: None

Absent: None

Motion carried.

Executive Session Entered at 8:55 PM

CM 2016-0113 Motion by Musgrave, second by Rankin to exit Executive Session.

Motion carried by a roll call vote of all ayes and no nays.

Manager Walker stated during Executive Session a proposed settlement agreement between the Village of Holly and the Teamsters #214 union group was presented and summarized as follows:

1. The parties’ new contract will be in effect from the date the contract is ratified by both parties through June 30, 2019.
2. The parties’ new contract will be the same as the parties’ current agreement, except as modified by this Agreement.
3. Revise the Village’s contribution toward the cost of health care for a retiree’s spouse by eliminating such spousal contribution for those employees retiring after July 1, 2017.
4. Revise Article 27, Section 2 as follows: “For all new hires (hired after July 1, 2006), the Employer will provide the MERS Defined Benefit Program with a 1.5% multiplier, 10 year vesting, 55/25, FAC 5, and

normal retirement age of 60.” Add the following as Article 27, Section 4: “Each employee will contribute 1.50% of base wages toward MERS retirement costs effective July 1, 2018.”

5. The part-time positions of Receptionist/Clerk and Laborer will be added to the collective bargaining agreement, at the hourly wage rates of \$12.00 and \$16.00, respectively. These wage rates will be increase in accordance with Paragraph 6 below. Revise the second sentence of Article 19, Section 1 to read, “The regular work day for full-time employees shall be eight (8) working hours in any one work day.” Such part-time employees shall not be eligible for health, optical, and dental insurances, pension benefits, retiree health care, holiday pay, personal days, court and funeral leave days, sick days, vacation days, and uniforms. Upon ratification of this Agreement by both parties, these positions shall accrue Paid Time Off (PTO) of two (2) hours per month provided the employee has worked at least 86 hours in that month.
6. Eliminate the last sentence of Article 29, Section 4, and the first Paragraph of Appendix A. Wages set forth in Appendix A will be increased by 2.00% effective upon ratification of this Agreement by both parties, by 2.00% effective July 1, 2017, and by 2.00% effective July 1, 2018. In addition, upon the ratification of this Agreement by both parties, each member of the bargaining unit who is a full-time employee shall receive a one-time, off-schedule, ratification

bonus of \$200.00, less applicable deductions.

CM 2016-0114 Motion by Cruickshank, second by Musgrave to approve the settlement agreement between the Village of Holly and the Teamsters #214 as presented.

Roll call vote was as follows:
Voting for: Kleven, Musgrave, Rankin, Allsop, Cruickshank, Heiple, Bladzik
Voting against: None
Absent: None
Motion carried.

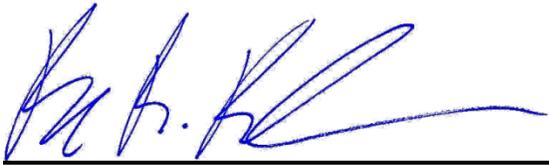
Manager Walker stated that at this time he would request that 2% annual raises be approved, as budgeted, for all non-union, administrative and fire department personnel.

CM 2016-0115 Motion by Musgrave, second by Rankin to authorize 2% wage increases for all non-union and administrative staff in the Village of Holly including the fire department staff.

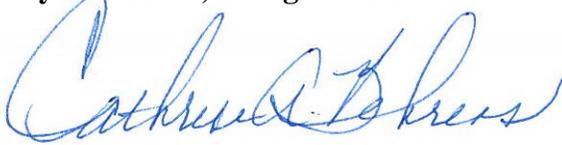
Roll call vote was as follows:
Voting for: Kleven, Musgrave, Rankin, Allsop, Cruickshank, Heiple, Bladzik
Voting against: None
Absent: None
Motion carried.

ADJOURNMENT

With nothing further to discuss, President Bladzik adjourned the meeting at 21:59 pm



Ryan Bladzick, Village President



Cathrene A. Behrens, Clerk/Treasurer